Previous references

1914.
(Jnl

File No 70 14
Serial Nos 29 & 37

Later references
Jnl 70-14 & 31, 53 & 54 B Nov 1916

GENERAL AND REVENUE SECRETARIAT

Serial Nos 29 & 37

Part B for April 15

SUBJECT

Payment into Court the difference of amount between the award passed by the Dist Judge & the award decreed by the Chief Court in Pogaku Venkatachelam chetty's appeal before that Court

29, From the Govt Advocate No 282 & 11 3 15 Forwards Copy of the Chief Court Judgment in the case & requests payment into Court immediately the difference of amount between the award passed by the Dist Judge & the award decreed by the Chief Court in Pogaku Venkatachelam Chetty's appeal before that ~~Court~~ Court

37 To the Jnl Asst Bangalore City, Dewangalore, Comptroller & the Govt Advocate No 8761-4 & 19 4 15 Requests that the amount still due to be paid to Pogaku Venkatachelli chetty may be sent into Courts immediately to save accrual of interest

GRD [redacted] H

28/4/15

G R S. 11] 1914

GENERAL AND REVENUE SECRETARIAT

(Jud)

NOTES

File No 70–14

FILE HEADING

Suits filed by or against the Municipalities in the State

From

From the Govt Accountant in Mysore

No 282 Dated 11 3 15 Received 13 3 15

Diary No 5729	Enclos 3	Spare Copies	Serial No 29

BRIEF ABSTRACT OF LETTER.

Reports that the appeals preferred on behalf of the Land Acquisition Officer against the award of the Dt Judge in Pogakula Venkatachelamma's Land Acquisition case stand dismissed with costs that the Chief Court have modified the Dt Judges award the net result being that the claimant gets only Rs 833-12-0 — excess for the fabulous sum of Rs 97136 claimed by him in the Chief Court & suggests the advisability of the Acquisition Officer paying into the District Court without any delay the differences between the amount decreed by the Chief & the amount deposited by him in Court

NOTES AND ORDERS

Notes—First Sheet

GPB—20,000 8-9-14

57-1 2

[R S 12]

General and Revenue Secretariat | Judl File No 70 of 1914

Serial No

2. The appeals in question were duly prepared as directed in Govt order No 5615-19 and 46-12)-209 the 3rd January 1913

3 Submit for orders with draft

DS 48
13/3/15

Bds Branch)

Dsm
19/3

For Hon

Please look up a note as to what has become of the bonds whether they were sold in order that they have forfeited & whether there has been any loss to Govt by the appeal the note should be submitted in 2 days' time The Branch will keep a copy of the note before submn of file (Dewan)

* Noted for

Draft may be approved
A separate note will be submitted regarding the actual financial result of the appeal, whether it has resulted in any loss or gain

Dewan
19/3/15

6086
19-3-15

Draft approved by the Dewan 17/3
13 & 15

Dsm 16/4

NOTE—Contn. sheet.

GPB—25,000—2-1914

Rec 16/4
5-45 pm) Dsm ch sent
& 15c Dsm 16/4

R S 12]

General and Revenue Secretariat | Jud File No 70 of 1916

Serial No 37

2. The Jud Asst Bangalore Ch
Dc Bangalore
Comptroller of
Advocate-General

No 8161-4 Dy 19 4 15.

Requests that the amount of Rs 1000-0-0 paid in Pogaku Venkatachela Chetty Case, as decreed by the Chief Court may be paid into the Chief Court immediately to obviate accrual of interest

NOTE—Contn. sheet.

GPE—25,000—8-11 14

Record
D5729
(1:282

m170-14-291

Office of the Government Advocate in Mysore,
Bangalore dated, 11th March 1915

From,

C S Doraswamy Iyer Esq , B A B L ,
Government Advocate in Mysore Bangalore

To,

The Offg Secretary to the Government of H H the
Maharaja of Mysore, General & Revenue Departments

Re R A Nos 214 and 215 of 1912/1913, and
memorandum of objections filed by the
Respondent
Pogaku Venkatachalmiah's Land Acquisition Case

Sir

In forwarding herewith copies of judgments and decrees passed in the above appeals I have the honour to state that the appeals preferred on behalf of the Land Acquisition Officer stand dismissed with costs The District Judge against whose decrees the said appeals were preferred awarded as Government are aware of compensation at the rate of Rs 400/- an acre for lands other than Kharab, and except t[illegible]y small extent at Rs.600/- an acre for the kharab portion He gave compensation for trees, stone mantaps, wells and etc at varying rates So that in all he gave a decree for Rs 18,032/- for both the survey numbers 8 and 16

2 The appeals preferred by Government related principally to the validity and correctness of the award in respect of the Kharab portion and to the principle on which compensation for the said portion (not permitted to be converted for purposes other than agricultural) was granted on the footing

of

of building sites The Respondent Pogaky Venkataswhalraiah filed memorandum of objections in both the appeals taking objection to the inadequacy of compensation awarded by the District Judge in respect of all the items and to the principle on which the non kharab portion was valued for purposes of compensation Briefly stated he claimed Rupees 97,136/0/0 in addition to the amount decreed in his favor by the District Judge, the principal and heavy item being the value of the entire land including kharab claimed at the uniform rate of Rs 4840/- an acre He claimed besides for wells, trees and mantap Rs.5631/ extra

3 With reference to the Government appeals it will be observed that the immunity claimed for the kharab portion was disallowed and the learned Judges observe that neither in the law nor in the evidence is there anything to show that the claimant ought not to get compensation calculated on the market value of the whole field acquired including the kharab portions

4 Turning to the memorandum of objections the learned Judges come to the conclusion that the whole land should be treated as building land and proceed to deal at some length with the question of the market value of the lands in question on that basis with the result that they raise the rates fixed by the District Judge at Rs 400/- an acre to Rs 800/- an acre

5 It was contended by me that if the land shall be treated as building site , compensation for trees ought to be given on the footing of timber trees and not of fruit trees and the heavy compensation awarded and claimed by the Respondent on the latter footing should be disallowed My contention was accepted by the Court and it has resulted in the Respondent's claim being considerably reduced

6 The excess valuation claimed by the Respondent for trees, mantap and wells arounting as I stated to Rs 5631/ was also disallowed by the Chief Court.

7 The statutory interest of 6% provided for in section 28 of the Land Acquisition Regulation disallowed by the District Judge upto the date of decree is allowed by the Chief Court on the ground that the reasons assigned by the District Judge are insufficient

8 In respect of costs, the learned Judges disallow the Claimant s costs in the District Court owing it is said to the gross exaggeration of his claims The costs on the memorandum of objections filed by him is also disallowed The Land Acquisition Officer is however made liable for the costs of the Claimant in respect of the appeals disallowed

9 The result of the modification in the award made by the Chief Court is that in lieu of the compensation of Rs 12872/- given by the District Judge, the Chief Court have given Rs 11,224/- as per decree in R A 215 of 1912/13, and in lieu of Rs 5160/- granted by the District Judge, the Chief Court have given Rs 7641/12/0 as per decree in R A 214 /12-13, the nett result being that the claimant gets only Rs 833/12/0 for the fabulous sum of Rs 97,136/- claimed by him in the Chief Court

10 I would suggest the advisability of the Acquisition Officer paying into the District Court without any delay the differrence between the amount decreed by the Chief Court and the amount deposited by him in Court because the longer the payment is delayed the greater will be the amount of interest that will accrue due

11 Copies of the judgment and the decrees could not be

furnished

furnished to Government earlier as the decrees themselves were signed by the Judges about the end of February and from the fair copies prepared in the Chief Court, I had to get the enclosed copies typed

I have the honour to be

Sir,

Your most obedient servant

Government Advocate

Nagarala Venkatachelammals
Land Acquisition Appeals
Bangalore city

GRS 28]

File No 7014
Serial No 37

Diary No of letter replied to 5729

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Genl)

the 191

Date of issue 19 4 15.

Signed by Mr. A V Ramanathan

READ—

Govt order no 5758-59 Genl 46-12-20 dated the 3rd Feby 1913 directing the Govt Advocate to prefer an appeal against the award for Rs 19032/- passed by the 1st Judge of Bangalore in respect of lands in the Gottahalli village

CROSS REFERENCE—No

over

SUBJECT

GPB—60,000—1 12-12

acquired from Pagakatu
Venkatachelamaiah for
the New Extension between
Chamrajpet & Basavangudi
in the Bangalore City

2) Letter No. 282 of the
11th March 1915 from the
Govt Advocate stating
that the appeals preferred
stand dismissed with
Costs & that the Lower
Court have modified
the award of the Ld
Judge the net result
being that the claimant
gets ~~only~~ Rs 833-12-0
in excess. ~~In the foregoing~~
~~sum of Rs 97,136/- claimed~~
~~by them in the Lower~~
~~Court~~

Order thereon

No. 6161-4 mc 70-14-37 9/19 4 15

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

4

A Copy of the Govt Advocates letter together with the enclosures in original (to be returned when done with) is forwarded to the President Municipal Council Bangalore city who is requested to arrange for the payment into the Ct Court at once ~~without any delay~~ the difference between the amount decreed by the Subordinate Court & the amount deposited by the Acquisition Officer in Court ~~so~~ as to avoid further accumulation of interest by delay in payment.

13 4 15
RG

Asst
15/3 for Chief Secy
Com's

19/3/15

DS 4 8
13/3/15

GPB—20 000—7 7 14

To the President & Council

Bangalore city

a Commissioner for Oaths

a Post Advocate in Mysore

By Court Bangalore